

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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DEC 30 P 2:21  
DISTRICT COURT  
DISTRICT OF MASS

EMILIO RAMOS,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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CIVIL ACTION NO.  
04-11731-DPW

MOTION FOR RULING ON WAIVER OF ATTORNEY-CLIENT PRIVILEGE

In its December 22, 2004 Memorandum and Order the Court directed undersigned counsel to file an affidavit addressing the circumstances of the withdrawal of the motion in 98-11857-DPW, including whether and when the petitioner in the above-captioned case, Emilio Ramos, consulted with undersigned counsel and authorized the withdrawal.

In order to file the affidavit, it appears that undersigned counsel must disclose information protected by the attorney-client privilege. See Mass. Sup. Jud. Ct. R. 3:07, R. Prof. Conduct 1.6. The information would include the contents of conversations with Mr. Ramos and Mr. Ramos' previous counsel Michael Avery, as well as some detail of work performed on Mr. Ramos' 98-11857-DPW case, including the fact and content of other conversations as well as an account of legal work counsel performed and a legal conclusion at which undersigned counsel arrived.

Undersigned counsel requests that the Court issue a ruling on whether petitioner Ramos has waived attorney-client privilege in this matter, and if so, to what extent.

  
ELIZABETH L. PREVETT